

18054. Misbranding of Marshall's cubeb cigarettes. U. S. v. 35¼ Dozen Packages of Marshall's Cubeb Cigarettes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25934. I. S. No. 5091. S. No. 4092.)

Examination of a product, known as Marshall's cubeb cigarettes, from the shipment herein described having shown that the carton label and accompanying circular and display carton bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On February 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35¼ dozen packages of Marshall's cubeb cigarettes, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by James B. Horner (Inc.), from New York, N. Y., on or about December 10, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of cigarettes made of coarsely ground cubeb.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Small carton) "For Catarrh, Hay Fever * * * Headache, Asthma, Diseases of the Throat, &c. &c. * * * For all Throat Diseases, Asthma, Bronchitis, etc., inhale the smoke, taking it into the lungs; and immediate relief will follow. * * * For Catarrhal Headache they are without a rival;" (small package circular) "A Remedy for Catarrh, * * * Asthma, Hay Fever; All Diseases of the Throat; Foul Breath, etc.;" (display carton) "For Catarrh, * * * Asthma, Hay Fever, Throat Diseases, Foul Breath, Etc."

On March 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18055. Adulteration and misbranding of Galpin's antiseptic vaginal suppositories. U. S. v. 4¼ Dozen Boxes of Galpin's Antiseptic Vaginal Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25901. I. S. No. 8159. S. No. 4091.)

Examination of a drug product, known as Galpin's antiseptic vaginal suppositories, from the shipment herein described having shown that the article was not antiseptic, and that the package label and inclosed leaflet contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On February 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four and one-third dozen boxes of Galpin's antiseptic vaginal suppositories at Memphis, Tenn., alleging that the article had been shipped by H. T. Galpin (Inc.), from Amityville, Long Island, N. Y., on or about July 26, 1930, and had been transported from the State of New York into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a base of theobroma oil containing ammonium alum, boric acid, and a quinine compound.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality of "Antiseptic," stated on the label.

Misbranding was alleged for the reason that the following statement appearing on the label was false and misleading: "Antiseptic Vaginal Suppositories." Misbranding was alleged for the further reason that the following statements on the package label and in the inclosed leaflet, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Label) "For the Diseases of Women. A harmless and reliable treatment for disordered and disturbed conditions of the womb and